

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2688

IN THE MATTER OF:

Served March 28, 1985

Application of BATTLE'S TRANSPORTA-)
TION, INC., for a Certificate of)
Public Convenience and Necessity --)
Special Operations)

Case No. AP-85-12

By application filed March 13, 1985, as amended, Battle's Transportation, Inc., seeks a certificate of public convenience and necessity to transport passengers for the purpose of receiving health care services, over irregular routes, in special operations, round-trip or one-way, between health care facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to the performance of such operations in vehicles with a manufacturer's designed seating capacity of 18 passengers or less, excluding the driver. 1/

Applicant currently holds WMATC Certificate of Public Convenience and Necessity No. 62 authorizing the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way,
transporting persons confined to wheelchairs:

Between medical treatment facilities located in
the Metropolitan District, on the one hand, and,
on the other, points in the Metropolitan
District.

RESTRICTIONS: The service authorized herein is
restricted to the transportation of non-ambulatory
participants in the Medicaid program of the
District of Columbia, and is further restricted to
transportation in van-type vehicles specially

1/ To the extent this application could be construed to seek authority between points solely within the Commonwealth of Virginia, it is hereby dismissed. See Compact, Title II, Article XII, Section 1(b).

equipped with ramps and mechanical devices for securing wheelchairs in transit.

A grant of this application, although limited to the transportation of passengers to and from medical facilities, would enlarge Battle's existing operating authority by authorizing the following: (a) the transportation of ambulatory as well as non-ambulatory passengers; (b) the transportation of any person for the purpose of receiving health care services, including one who does not participate in the D.C. Medicaid program; and (c) the operation of 18-passenger vehicles 2/ not specially equipped with wheelchair ramps and tie downs, as well as the operation of vans that are so equipped.

Battle's asserts that the proposed enlargement of its operating authority is necessary to allow it to meet what it perceives to be an increasing demand for the transportation of medically disadvantaged persons in the Washington metropolitan area. In this regard, applicant disavows any intent to render ambulance service or to render health care service to passengers.

Applicant's equipment list shows six vans ranging in vintage from 1974 to 1984, four of which have wheelchair ramps and devices for securing wheelchairs.

As part of this application, Battle's has submitted an income statement and balance sheet for the year ended December 31, 1984, and a projected operating statement for 1985, with and without the additional authority sought. The balance sheet shows current assets of \$33,229, fixed assets of \$125,495, total liabilities of \$121,592, and \$37,132 in stockholders' equity, including \$6,132 of retained earnings representing the net profit before taxes from the 1984 income statement.

Applicant proposes the following tariff: 3/

2/ This exceeds the capacity of the type of vehicle that applicant now operates, even when such vehicles are outfitted with the maximum number of seats. It may be that applicant wants to introduce a new type of vehicle, and we shall expect applicant to present testimony on this point.

3/ Applicant's counsel represents that the proposed tariff applies only to those operations under the requested authority that would not already be possible under applicant's existing authority.

	<u>Round-Trip</u>	<u>One-Way</u>
(a) Per Person	\$40.00	\$25.00
(b) Groups (10 or more) <u>4/</u>	13.50	7.50
(c) Cancellation (Billed only when run is made) <u>5/</u>		12.50
(d) Outside Capital Beltway (a) or (b) plus \$1 per loaded mile <u>6/</u>		

Waiting Time: \$20 per hour (\$5 per 15-minute period or fraction thereof) beyond pre-requested pick-up or drop-off time.

Parking fees and/or tolls incurred will be charged to client.

Pursuant to the Compact, Title II, Article XII, Section 4(b), this application shall be scheduled for public hearing to determine if the applicant is fit, willing and able properly to perform the proposed service and to abide by pertinent regulatory requirements, and further to determine if the public convenience and necessity require the proposed service. Applicant will be assessed a sum preliminarily estimated to cover the cost of the hearing and will be required to post and publish notice of this application. Given the result of a similar application by Battle's in Case No. AP-84-07, 7/ applicant is reminded that it will be expected to present affirmative evidence of its compliance fitness in this case.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-85-12 of Battle's Transportation, Inc., is hereby scheduled for Tuesday, April 30, 1985, at 9:30 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

4/ This provision applies to a group with a common origin but not necessarily a common destination.

5/ A charge will be made when a vehicle responds for a pickup and is cancelled at that point.

6/ The rates listed in provisions (a) and (b) constitute base rates to which an additional charge of \$1.00 per loaded mile or portion thereof is added upon travel of one mile beyond the Capital Beltway.

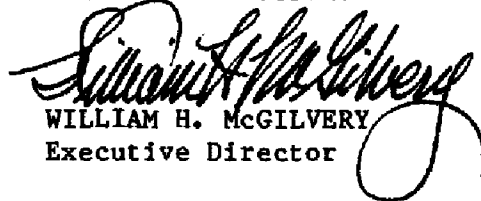
7/ See Order No. 2576, served July 12, 1984.

2. That applicant publish once in a newspaper of general circulation in the Metropolitan District, and post continuously and conspicuously in its vehicles through the date of public hearing, notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Wednesday, April 3, 1985, and present at the hearing an affidavit of such posting and an affidavit of publication from the selected newspaper.

3. That any person desiring to protest this application shall file a protest in accordance with Commission Rule 14, and any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than 12 noon, Friday, April 19, 1985, and shall simultaneously serve a copy of such protest or notice on counsel for applicant, William M. Thornton, Esq., 1101 - 14th Street, N.W., Suite 1100, Washington, D.C. 20005.

4. That applicant is hereby assessed \$400 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission no later than 12 noon, Friday, April 19, 1985.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director